

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Intel Corporation

Opposer,

v.

Mr. Stephen Emeny

Applicant.

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Opposition No. 123,312

Application No. 75/825,218

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MOTION TO EXTEND OPPOSER'S TESTIMONY PERIOD

Pursuant to FED. R. CIV. P. 6(b), and the Trademark Trial and Appeal Board Manual of Procedure § 509, Opposer Intel Corporation, through its undersigned attorneys, hereby requests a sixty (60) day extension of time of its testimony period.

As set forth in the Board's July 22, 2002 Rescheduling Order, Opposer's Testimony Period closes on November 28, 2002. Realistically, as discussed below, it would be unfeasible for Opposer to submit its Notice of Reliance, gather a multitude of evidence to support its Opposition, and take the testimony of at least two witnesses by the current November 28th deadline. This task is made even more difficult given that the Thanksgiving holidays fall within Opposer's current testimony period. Accordingly, Opposer submits that good cause exists to support its sixty day extension.

The general standard for allowing an extension of any period before the expiration of that period is good cause. *See* FED. R. CIV. P. 6(b)(1). *See also* T.B.M.P. §509.1 ("A party may file a motion for an enlargement of the time in which an act is required or allowed to be done. If the motion is filed prior to the expiration of the period as originally set or previously extended, the

motion is a motion to extend, and the moving party need only show good cause for the requested extension”). When considering a motion for an extension of time, “the Board is liberal in granting extensions of time before the period to act has elapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused.” *See American Vitamin Products, Inc. v. DowBrands, Inc.*, 22 U.S.P.Q. 1315, 1313 (TTAB 1992).

Opposer seeks the Board’s leave for the requested extension because Applicant has been arbitrary in his decisions to withhold consent over the course of this opposition proceeding. Opposer brings this motion with over two-weeks remaining in its testimony period and amidst its diligent efforts to prepare its Notice of Reliance and prepare for its testimonial depositions/affidavits.

At issue in this opposition are Opposer’s rights to the famous INTEL INSIDE mark. Given the nature and extent of Opposer’s advertising, sales, and marketing related to the INTEL INSIDE mark, it is understandable that the prescribed testimony period would not provide Opposer with sufficient time to compile and present such evidence to the Board. It is Opposer’s intention to gather and collate volumes of evidence demonstrating the reach, fame, and use of the INTEL INSIDE mark, and it would be impractical for Opposer to accomplish this task without the additional requested time.

Notably, any shorter extension would be disrupted by the holiday and New Year season, which, due to vacation schedules, will certainly affect the availability of Opposer’s in-house legal department and prospective testimonial witnesses. Also, as an additional ground for this request, Opposer has yet to receive from Applicant documents requested in Opposer’s First Requests for Production of Documents, and will likely require additional time to receive and analyze such documents, and address any issues raised by such documents in Opposer’s Notice of Reliance. Finally, Opposer’s motion seeking to extend the testimony period will not prejudice the Applicant in any way. The duration of Applicant’s testimony period would remain unchanged,

and, even if Applicant's testimony period were pushed back, the delay upon Applicant would be minimal.

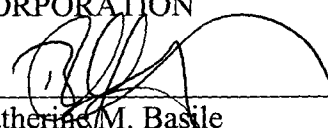
Opposer believes that the circumstances outlined above constitute good cause, as required under TBMP § 509. *Compare Chesebrough-Pond's Inc. v. Faberge, Inc.*, 618 F.2d 776, 777 (C.C.P.A. 1980) (where the Board granted several extensions of time totaling nearly one year).

For the foregoing reasons, Opposer requests that the Board grant this motion and extend its testimony period by sixty (60) days, set to run from the date of the Board's decision on Opposer's motion.

CONCLUSION

Respectfully submitted,
INTEL CORPORATION

Date: 11/14/02

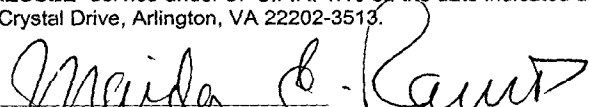
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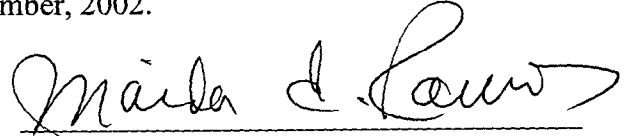
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Maida E. Ramos

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "Motion to Extend Opposer's Testimony Period" was served on Mr. Brian Hall, 1973 South East 15th Court, Pompano Beach, FL 33062 by First Class mail, postage prepaid, this 14th day of November, 2002.

A handwritten signature in black ink, appearing to read "Maida E. Ramos", written over a horizontal line.

Maida E. Ramos



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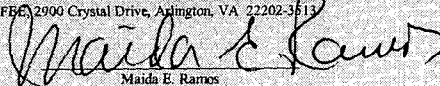
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 Maida E. Ramos

RE: *Opposition No. 123,312*
Serial No. 75/825,218
Mark: IDEAS INSIDE
Applicant: Steven Emeny; Opposer: Intel Corporation

Dear Madam:

Enclosed for filing in connection with the above-referenced opposition is a Motion to Extend Opposer's Testimony Period. Also enclosed is a return postcard to acknowledge receipt of these materials. Please date-stamp and return the postcard to us by mail.

Please forward any reply to this communication directly to our Menlo Park office for docketing purposes. The mailing address is 301 Ravenswood Avenue, Menlo Park, California 94025, and the Menlo Park fax number is 650-463-8380.

Very truly yours,


Bobby A. Ghajar

Enclosures

cc: Michele Huntzinger

C